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Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Repertory of Practice of United Nations Organs and *Repertoire of the Practice of the Security Council*

Report of the Secretary-General

Summary

In conformity with General Assembly resolution 66/101, the present report outlines the progress made by the Secretariat since the last report (A/66/201) in updating the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. The Assembly is invited to take action in the light of the conclusions drawn in paragraphs 14 and 26 of the present report.

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I. Introduction

1. The present report has been prepared pursuant to General Assembly resolution 66/101. In paragraph 8 of the resolution, the Assembly commended the Secretary-General for the progress made in the preparation of studies of the *Repertory of Practice of United Nations Organs*, including the increased use of the internship programme of the United Nations and further expanded cooperation with academic institutions for this purpose, as well as the progress made towards updating the *Repertoire of the Practice of the Security Council*. In paragraph 9, the Assembly noted with appreciation the contributions made by Member States to the trust fund for the updating of the *Repertoire*, as well as to the trust fund for the elimination of the backlog in the *Repertory*; and, in paragraph 10, the Assembly reiterated its call for voluntary contributions to those trust funds and the sponsoring, on a voluntary basis, and with no cost to the United Nations, of associate experts to assist in the updating of the two publications. In paragraph 11, the Assembly called upon the Secretary-General to continue his efforts towards updating the *Repertory* and the *Repertoire* and making them available electronically in all their respective language versions and to continue to address, in particular, the backlog in the preparation of volume III of the *Repertory*. In paragraph 12, the Assembly reiterated the responsibility of the Secretary-General for the quality of the two publications and, with regard to the *Repertoire*, called upon the Secretary-General to continue to follow the modalities outlined in paragraphs 102 to 106 of his report of 18 September 1952 (A/2170). Finally, in paragraph 13, the Assembly requested the Secretary-General to submit a report on both the *Repertory* and the *Repertoire* to the Assembly at its sixty-seventh session.

II. *Repertory of Practice of United Nations Organs*

A. Preparation of supplements to the *Repertory of Practice of United Nations Organs*

2. Since the last report (A/66/201), and with respect to volumes that were in backlog, the Secretariat has submitted volume II of Supplement No. 9 and volume VI of Supplements Nos. 8 and 9 for translation and publication.

3. Bearing in mind the call made upon the Secretary-General, in paragraph 11 of General Assembly resolution 66/101, to continue to address, in particular, the backlog concerning volume III of the *Repertory*, the Security Council Affairs Division of the Department of Political Affairs prepared studies on Articles 24, 26, 28, 30, 34, 35 (relating to the practice of the Security Council), 36, 37, 38 and 39 of the Charter of the United Nations and thereby submitted all outstanding studies for the period 1985 to 1999. A single study for each of the aforementioned provisions of the Charter addresses the entire period that is covered by the three Supplements. Those studies have been placed on the *Repertory* website (www.un.org/law/repertory). As in the case of studies prepared earlier for volume III of Supplements Nos. 7 to 9, each of the studies contains a short introduction and provides a link to the relevant study of the *Repertoire of the Practice of the Security Council* where the reader can find more detailed information on the subject matter. Furthermore, at a meeting on 26 June 2012 of the Codification Division of the Office of Legal Affairs, acting as coordinator for the preparation of the *Repertory*, and the Department of

Peacekeeping Operations concerning the drafting of the studies on Articles 40 to 54 for volume III of Supplements Nos. 7 to 10 of the *Repertory*, the parties agreed that the Codification Division will reach out to partnering academic institutions potentially willing to prepare draft studies on the Articles in question. Once the drafts are completed, the Codification Division will submit them for review, as appropriate.

4. Significant progress has also been achieved in the preparation of studies for Supplement No. 10 (2000-2009). During the reporting period, the following additional studies have been prepared, some of them with the assistance of interns or consultants or in collaboration with academic institutions:

(a) Studies on Articles 3, 5, 6 and 8 for volume I;

(b) Studies on Articles 13 (1) (a), first phrase; 13 (1) (a) second phrase; 13 (1) (b) and (2); 14; and 17 (1) and (3) for volume II;

(c) Studies on Articles 92 to 95, 98 (political and security matters), 103 and 106 to 111 for volume VI.

A study on Article 55 (c) for volume IV and three studies on Articles 97, 99 and 100, for volume VI, are also being finalized. Moreover, work has begun on a study on Article 73 for volume V, a study on the remaining aspects of Article 98 for volume VI and a study on Article 101, also for volume VI. Furthermore, since all the studies pertaining to volume I of Supplement No. 10 have now been completed, the Secretariat has submitted the volume for translation and publication.

5. The Department of Public Information and the Dag Hammarskjöld Library played an important role in supporting the research on the *Repertory*.

6. The current status of the publication is as follows: 28 volumes have been published[1] and 14 volumes have been finalized and submitted for translation and publication.[2] Consequently, from among the 50 volumes of which the publication as a whole (original *Repertory* and supplements thereto) should consist, work remains to be completed on eight volumes; five of those volumes pertain to Supplement No. 10, covering the most recent reviewable period, and are at different stages of preparation (see para. 4 above). The other three volumes on which work remains to be completed correspond to volume III of Supplements Nos. 7, 8 and 9.

7. Annex I to the present report sets out the responsibilities of individual Secretariat units for the preparation of *Repertory* studies on individual Articles of the Charter. Annex II provides information on the status of the *Repertory*.

B. Availability of *Repertory* studies on the Internet

8. Studies from 42 complete volumes, including the 14 volumes in processing for publication, are available on the United Nations website for the *Repertory* (www.un.org/law/repertory). Advance versions of several studies on individual

[1] *Repertory* and Supplements Nos. 1 to 6 (1946-1984), for a total of 26 volumes, and volumes V and VI of Supplement No. 7 (1985-1988).

[2] Volumes I, II and IV of Supplement No. 7 (1985-1988); volumes I, II, IV, V and VI of Supplements Nos. 8 (1989-1994) and 9 (1995-1999); and volume I of Supplement No. 10 (2000-2009).

Articles for volume III of Supplements Nos. 7, 8 and 9, as well as a considerable number of studies for Supplement No. 10 which have been finalized and are awaiting completion of the respective volumes, continued to be accessible on the website. The electronic version of the *Repertory* includes a full-text search feature, providing the users with the opportunity to search all the studies instantaneously for any word or combination of words in the three languages of the publication, namely English, French and Spanish.

9. Currently, all studies available in English are on the Internet, and most of them are also available on the Internet in French and Spanish. Finalized studies awaiting publication are placed on the Internet in the language in which they have been prepared (English for most of them, and French for some of them). The Secretariat will continue to make available electronically all three language versions of the finalized *Repertory* studies.

C. Cooperation with academic institutions

10. The well-established cooperation with Columbia University Law School continued for the ninth consecutive year. Four more students contributed to the preparation of three studies relating to volumes II and IV of Supplement No. 10.[3] The cooperation with the University of Ottawa, Faculty of Law, also continued for the second consecutive year and contributed to the completion of six studies pertaining to volume VI of Supplement No. 10.[4] Furthermore, the cooperation with academic institutions has been extended to Fordham University School of Law, leading to the completion of one additional study for volume II of Supplement No. 10,[5] and to Concord Law School, leading to progress in the preparation of a study pertaining to volume V of Supplement No. 10.[6]

D. Trust fund

11. In its resolution 66/101, the General Assembly reiterated its call for voluntary contributions to the trust fund established pursuant to its resolution 59/44, in order to eliminate the backlog in the *Repertory*. Accordingly, a note verbale was sent to all permanent missions to the United Nations, reminding them of the possibility of making voluntary contributions to the trust fund and inviting them to bring the question of funding for the *Repertory* to the attention of private institutions and individuals that might wish to assist in that regard. The Secretary-General welcomes with appreciation the contributions to the trust fund of $5,000 from Chile and €5,000 from Finland.

12. The further use of consultants for the preparation of studies pertaining to volumes that are near completion is envisaged. Additional contributions to the trust fund are strongly encouraged so as to allow the Secretariat to carry out the effective elimination of the backlog in the *Repertory*.

[3] A study on Article 13 (1) (a), first phrase; a study on Article 13 (1) (b) and (2); and a study on Article 55 (c) of the Charter.

[4] Studies on Articles 92, 93, 94, 95, 98 (political and security matters) and 103 of the Charter.

[5] Study on Article 14 of the Charter.

[6] Study on Article 73 of the Charter.

E. Recommendations of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

13. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization considered the question of the *Repertory* and the *Repertoire* at its session held from 21 to 28 February and on 1 March 2012. In its report (A/67/33, para. 71), the Special Committee recommended, inter alia, with regard to the *Repertory*, that the General Assembly commend the Secretary-General for the progress made in the preparation of studies, including the increased use of the internship programme of the United Nations and further expanded cooperation with academic institutions for this purpose; note with appreciation the contributions made by Member States to the trust fund for the elimination of the backlog in the *Repertory*; reiterate its call for voluntary contributions to the trust fund so as to further support the Secretariat in carrying out the effective elimination of that backlog, as well as the sponsoring, on a voluntary basis, and with no cost to the United Nations, of associate experts to assist in the updating of the publication; call upon the Secretary-General to continue his efforts towards updating the publication and making it available electronically in all its language versions; note with concern that the backlog in the preparation of volume III of the *Repertory* has not been eliminated, and call upon the Secretary-General to address that issue effectively and on a priority basis, while commending the Secretary-General for some progress made in reducing the backlog; and reiterate the responsibility of the Secretary-General for the quality of the *Repertory*.

F. Conclusions

14. **With respect to the *Repertory of Practice of United Nations Organs*, in the light of the foregoing, the General Assembly may wish:**

(a) **To note the current status of the publication, including the progress made in the preparation of *Repertory* studies and in their posting on the Internet in three languages (English, French and Spanish);**

(b) **To consider the recommendations of the Special Committee (see para. 13 above) concerning the increased use of the internship programme of the United Nations and the further expanded cooperation with academic institutions for the preparation of studies; voluntary contributions to the trust fund for the elimination of the backlog in the *Repertory* so as to further support the Secretariat in carrying out the effective elimination of that backlog; the sponsoring, on a voluntary basis, and with no cost to the United Nations, of associate experts to assist in the updating of the publication; the call upon the Secretary-General to continue his efforts towards updating the publication and making it available electronically in all its language versions, and to continue to address effectively and on a priority basis the elimination of the backlog in volume III of the *Repertory*; and the reiteration of the Secretary-General's responsibility for the quality of the *Repertory*;**

(c) **To express appreciation for the contributions received to the trust fund for the elimination of the backlog in the *Repertory*; to note the progress made towards the elimination of that backlog through the utilization of the trust fund; and to strongly encourage States to make additional contributions to the trust fund.**

III. *Repertoire of the Practice of the Security Council*

A. Mandate and preparation

15. The *Repertoire of the Practice of the Security Council*, originally mandated by the General Assembly in its resolution 686 (VII) of 5 December 1952, continues to provide a record of the evolving practice and procedure of the Security Council in the framework of the Charter of the United Nations and the Council's provisional rules of procedure. Most recently, by its resolution 66/101, the General Assembly called upon the Secretary-General to continue his efforts towards updating the *Repertoire* and making it available electronically in all its respective language versions.

16. Pursuant to the mandate provided by the General Assembly, the Secretariat has continued to make progress in the preparation of supplements to the *Repertoire* since the last report (A/66/201). In line with the "two-track" approach that allows the simultaneous preparation of two or more supplements, in the past year the Secretariat worked on the sixteenth and seventeenth Supplements to the *Repertoire*, covering the years 2008 and 2009 and 2010 and 2011, respectively, within the context of the modalities outlined in paragraphs 102 to 106 of the Secretary-General's report of 18 September 1952 (A/2170).

17. The timely completion of the fifteenth Supplement (2004-2007) in advance version allowed the Secretariat to focus on the contemporary practice of the Security Council from 2008 onwards. The entire sixteenth Supplement (2008-2009) was completed earlier in the year and an advance version was made available electronically on the *Repertoire* website.

18. Work on the seventeenth Supplement (2010-2011) has progressed well and the studies in part I have already been posted in their advance version. Further progress on this Supplement will however depend on the staffing situation in the Security Council Practices and Charter Research Branch of the Security Council Affairs Division and the continuing availability of resources, which is considered further in paragraph 25 below.

19. Within the limits of available resources, the Secretariat has continued to produce the *Repertoire* expeditiously, consistent with accuracy and balance, by employing several efficiency-enhancing initiatives, such as the specialized training of staff; the further enhancement of databases to record and retrieve the mounting body of past and current practices and procedures of the Security Council and to generate tables and text; and the updating of internal guidelines and templates to capture staff knowledge and ensure consistency in the preparation of the *Repertoire*.

20. The preparation of supplements to the *Repertoire* has not been without its challenges. Although the Secretariat has managed to sustain progress towards updating the *Repertoire* and providing Member States with information on current Council practice, it has continued to face challenges in terms of editing, translating, indexing and publishing those supplements. Different offices in the Secretariat are working together to address existing resource constraints and delays in publishing the supplements.

B. Availability of *Repertoire* studies on the Internet

21. To allow access to information as quickly as possible, the Secretariat has posted on its website finalized chapters of the *Repertoire* in an advance version (see annex III to the present report). In addition to the published Supplements, all chapters of the fourteenth to sixteenth Supplements (2000-2009), which have yet to be published, have been posted in an advance version.

22. The English-language *Repertoire* website, which was overhauled to enhance search capabilities and provide a user-friendly interface by allowing quicker access to the wealth of information on the practices of the Security Council contained in the *Repertoire*, will be available in the other official languages in the near future.

23. In addition to the preparation of the *Repertoire*, the Secretariat, upon request, provides information on questions received directly and through the *Repertoire* website relating to both the current and past practice of the Council and its subsidiary organs. During the reporting period it responded, in a timely and accurate fashion, to communications and requests for information from Member States as well as from officials of the United Nations system and staff of other international organizations, non-governmental organizations, students, academic scholars and researchers and the private sector.

C. Publication in language versions (print and electronic)

24. In compliance with General Assembly resolution 55/222, in which the Assembly requested the Secretary-General to publish future supplements to the *Repertoire* in all six official languages, the tenth and eleventh Supplements were the first supplements to be published in all official languages. The twelfth (1993-1995) and thirteenth (1996-1999) Supplements will soon be available in all official languages. The fourteenth (2000-2003) Supplement has been submitted for translation into all official languages and subsequent supplements will be submitted as soon as they are edited. The Secretariat continues to make every effort to post the latest supplements of the *Repertoire* in the six official languages as soon as they are available.

D. Resources

25. The preparation and publication of the *Repertoire*, as well as the maintenance of its website in all official languages, would not have been possible without the continuing support of the General Assembly. At the same time, in an environment of financial constraint, voluntary contributions to the trust fund for the updating of the *Repertoire* remain an important element for sustaining progress on the *Repertoire* and maintaining the *Repertoire* website. The infusion of extrabudgetary resources has enabled the Secretariat to retain the services of temporary staff assisting in the preparation of the *Repertoire* and to work simultaneously on several volumes of the publication. Since the last report (A/66/201), contributions to the trust fund have been received from China, Ireland, Mexico and Turkey. As this goal remains to be met fully, the Secretary-General invites Member States to continue to support the Secretariat's work on advancing the *Repertoire* through their voluntary contributions to the trust fund.

E. Conclusions

26. **With respect to the *Repertoire of the Practice of the Security Council*, in the light of the foregoing and the recommendations made by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization at its session held from 21 to 28 February and on 1 March 2012, the General Assembly may wish:**

(a) **To note the progress made towards the updating of the *Repertoire*, including through the utilization of the trust fund for the updating of the *Repertoire*;**

(b) **To express appreciation for the contributions to the trust fund and reiterate its call for voluntary contributions to that trust fund;**

(c) **To take note of the ongoing enhancement of the *Repertoire* website and efficiency measures to expedite the simultaneous preparation of Supplements to the *Repertoire*;**

(d) **To note the continual posting of the *Repertoire* in electronic form in all language versions on the United Nations website;**

(e) **To encourage Member States to sponsor, on a voluntary basis and with no cost to the Organization, an associate expert to assist in the preparation of the *Repertoire*.**

Annex I

Secretariat units bearing primary responsibility for the preparation of *Repertory* studies on individual Articles of the Charter of the United Nations[a]

Department	*Repertory volume*
Office of Legal Affairs	Volume I: Articles 1 to 7
	Volume II: Articles 13 (1) (a), 18, 19 and 22
	Volume VI: Articles 92 to 99, 102 to 105 and 108 to 111
Department of Political Affairs	Volume II: Articles 10, 12, 13 (1) (a), 14 and 16
	Volume III: Articles 23 to 39 and 107
	Volume V: Articles 73 to 85, 87 and 88
Department of Peacekeeping Operations	Volume III: Articles 40 to 54 and 106
Office for Disarmament Affairs	Volume II: Article 11
Department for General Assembly and Conference Management	Volume II: Articles 9, 15, 20 and 21
	Volume IV: Articles 60, 61, 62 (3) and (4), 65 to 69 and 72
	Volume V: Articles 86 and 89 to 91
Department of Management	Volume II: Article 17
	Volume VI: Articles 100 (1) and 101
Department of Management with Office of Legal Affairs	Volume VI: Article 100 (2)
Department of Economic and Social Affairs	Volume II: Articles 8[b] and 13 (1) (b) and (2)
	Volume IV: Articles 55 (a) and (b), 57 to 59, 62 (1), 63, 64, 70 and 71
Office of the United Nations High Commissioner for Human Rights	Volume II: Article 13 (1) (b)
	Volume IV: Articles 55 (c), 56 and 62 (2)
Office for Outer Space Affairs	Volume II: Article 13 (1) (a)

[a] This distribution is the result of several decisions of the Interdepartmental Committee on Charter Repertory taken at various times since 1996 and is subject to review by the Committee.

[b] The Department of Management (Office of Human Resources Management) is responsible for the preparation of Article 8 for the period up to and including 1996. For the period from 1997 onward, that responsibility falls to the Department of Economic and Social Affairs.

Annex II

Status of the *Repertory of Practice of United Nations Organs* (July 2012)

Volumes published and on the Internet	Volumes submitted for publication and on the Internet	Studies on the Internet (pertaining to volumes not submitted for publication)	Studies in preparation or in review

Note: The organization of studies in volumes, as indicated below, relates to Supplements Nos. 6 to 10, and varies for the original *Repertory* and Supplements Nos. 1 to 5.

Volumes, Articles	*Original Repertory*	*Supplements*									
		1	*2*	*3*	*4*	*5*	*6 1979-1984*	*7 1985-1988*	*8 1989-1994*	*9 1995-1999*	*10 2000-2009*
Volume I							**I**	**I**	**I**	**I**	**I**
Articles 1-8											
Volume II							**II**	**II**	**II**	**II**	**II**
Articles 9-15, 17 (1) and (3) and 20-22											
Articles 17 (2) and 19											
Articles 16 and 18											
Volume III							**III**	**III**	**III**	**III**	**III**
Articles 23 (1, first phase) and (3), 24-33 (2), 34-35 (Security Council) and 36-39											
Articles 23 (1, second phase) and (2) and 33 (1)											
Articles 35 (General Assembly) and 40-54											
Volume IV							**IV**	**IV**	**IV**	**IV**	**IV**
Articles 55 (a)-(b), 57 and 62 (2)											
Articles 55 (c), 56 and 63											
Articles 58-62 (1, 3, 4) and 64-72											
Volume V							**V**	**V**	**V**	**V**	**V**
Articles 86 and 89-91											
Article 73											
Articles 74-85, 87 and 88											
Volume VI							**VI**	**VI**	**VI**	**VI**	**VI**
Articles 92-96, 98 (treaties; political and security matters), 102, 103, 106 and 107											

Volumes, Articles	*Original Repertory*	*Supplements*									
		1	*2*	*3*	*4*	*5*	*6 1979-1984*	*7 1985-1988*	*8 1989-1994*	*9 1995-1999*	*10 2000-2009*
Articles 97, 98 (remaining parts), 99, 100, 101 and 108-111											
Articles 104 and 105											

Studies prepared from 1954 to 1980

Studies prepared from 1996 to 2012

Annex III

Status of the *Repertoire of the Practice of the Security Council* (July 2012)

Supplements published and posted on the Internet at www.un.org/en/sc/repertoire	Advance version available on the Internet	Parts in preparation	Preliminary research

A. Status of the completed *Repertoire* Supplements

Supplement	*Status*	*Languages*
Original *Repertoire* and Supplements I-IX (1946-1984)		English, French
Supplements X (1985-1988) and XI (1989-1992)		Arabic, Chinese, English, French, Russian, Spanish[a]
Supplement XII (1993-1995)		English, translation into other languages in progress
Supplement XIII (1996-1999)		English, translation into other languages in progress
Supplement XIV (2000-2003)		English, translation into other languages in progress
Supplement XV (2004-2007)		English

B. Status of *Repertoire* Supplements in preparation

	Parts (procedural and constitutional)									
	I Overview	*II Provisional rules of procedure*	*III Purposes and principles of the Charter*	*IV Relations with other United Nations organs*	*V Functions and powers of the Security Council*	*VI Pacific settlement of disputes*	*VII Actions with respect to breaches of the peace*	*VIII Regional arrangements*	*IX Subsidiary organs: Committees other bodies*	*X Subsidiary organs peacekeeping and peacebuilding*
Supplement XVI (2008-2009)										
Supplement XVII (2010-2011)										

[a] As mandated by the General Assembly in resolution 55/222, these Supplements and future Supplements to the *Repertoire* are to be published in all official languages of the United Nations.